

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-40607-2022 (O&M)

Date of Decision: 12.09.2022

Mandeep Singh @ Deepu @ Baccha

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Simranjeet Singh, Advocate,
for the petitioner.

Mr. Praveen Bhadu, A.A.G., Haryana.

VIKAS BAHL, J. (Oral)

1. This is the first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No. 146, dated 06.07.2020, under Sections 398/401 of the Indian Penal Code, 1860 and Sections 25/54 of the Arms Act, 1959, registered at Police Station Ratia, District Fatehabad.
2. Learned counsel for the petitioner has submitted that the petitioner was earlier granted bail on 15.01.2021 by the Sessions Judge, Fatehabad and thereafter, was regularly appearing but absented himself on 24.09.2021, on account of which, his bail was cancelled and thereafter since 07.06.2022, the petitioner has been in custody. It is submitted that out of 11 witnesses, only 01 has been examined and thus, the trial is likely to take time. It is further submitted that the petitioner undertakes appear on each and every date except the date on which his presence is specifically exempted.

3. Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the petitioner is involved in another case and in addition to one witness who has been examined, one witness has also been given up.

4. This court has heard learned counsel for the parties and has perused the paper book.

5. The petitioner was granted the concession of regular bail by the Sessions Judge, Fatehabad, vide order dated 15.01.2021. The petitioner absented himself on 24.09.2021 and thereafter was taken into custody on 07.06.2022 and since then he has been in custody. Two witnesses have been examined and 09 witnesses are yet to be examined and thus, the trial is likely to take time.

6. Keeping in view the above said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case and also subject to the petitioner giving an undertaking to the trial Court that he would appear before the trial Court on each and every date unless his personal appearance is specifically exempted by the Court. The same is also subject to the petitioner deposit of Rs. 5,000/- with the Lawyers Welfare Advocate High Court Fund, within one week.

7. However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation

of bail granted to the petitioner.

8. Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

Pending miscellaneous application, if any, stands disposed of in view of the abovesaid order.

September 12, 2022

nitin

(VIKAS BAHL)

JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No